



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/355,707	12/14/94	KOUZAI	K 69200A756

DARBY AND DARBY
805 THIRD AVENUE
NEW YORK NY 10022

EXAMINER
WONG, S.

F3M1/0331

ART UNIT	PAPER NUMBER
3304	<i>SL</i>

DATE MAILED: 03/31/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire _____ month(s), *thirty* days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, Form PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6. *Interview Summary (PTO-413)*

Part II SUMMARY OF ACTION

1. Claims *1-10* are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims _____ are rejected.

5. Claims _____ are objected to.

6. Claims *1-10* are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable. not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed on _____, has been approved. disapproved (see explanation).

12. Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

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1 **Part III DETAILED ACTION**

2 ***Election/Restriction***

3 1. Restriction to one of the following inventions is required
4 under 35 U.S.C. 121:

5 Group I. Claims 1-4, drawn to a sports ball, classified in
6 Class 273, subclass 58R.

7 Group II. Claims 5-10, drawn to a method of making a sports
8 ball, classified in Class 264, subclass 1+.

9 The inventions are distinct, each from the other because of
10 the following reasons:

11 2. Inventions II and I are related as process of making and
12 product made. The inventions are distinct if either or both of
13 the following can be shown: (1) that the process as claimed can
14 be used to make other and materially different product or (2)
15 that the product as claimed can be made by another and materially
16 different process (M.P.E.P. § 806.05(f)). In the instant case
17 the product as claimed can be made by another and materially
18 different process such as by a method which does not utilize
19 alignment guides.

20 3. Because these inventions are distinct for the reasons given
21 above and have acquired a separate status in the art as shown by
22 their different classification, restriction for examination
23 purposes as indicated is proper.

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1 4. A telephone call was made to S. Peter Ludwig (Reg. #25,351)
2 on March 22, 1995 to request an oral election to the above
3 restriction requirement, but did not result in an election being
4 made.

5 Applicant is advised that the response to this requirement
6 to be complete must include an election of the invention to be
7 examined even though the requirement be traversed.

8 5. Any inquiry concerning this communication or earlier
9 communications from the examiner should be directed to Steven
10 Wong whose telephone number is (703) 308-3135.

11
12
13


Steven Wong
Examiner
Group 3300

14 SBW
15 March 28, 1995